UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,341	02/20/2004	Leslie F. Delatte	41936-7	7705

20873   7590   07/21/2008
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ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
07/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 February 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-23</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>5/25/2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the application filed on 2/20/2004.

Claims 1-23 are pending and have been examined.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims **1-23** are rejected under 35 U.S.C. 101 based on Supreme Court

precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is

that a § 101 process must (1) be tied to another statutory class (such as a particular

apparatus) or (2) transform underlying subject matter (such as an article or materials) to

a different state or thing. (*Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*,

437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); *Cochrane

v. Deener*, 94 U.S. 780,787-88 (1876)).

Claims **1**, **13** and **19** have only a nominal recitation of technology. Claims **2-12**,

14-18 and **20-23** are rejected as being dependent off of independent claims **1**, **13** and

19 respectively.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims **1**, **13**, and **17** rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims **1** and **13** recite the limitation "having the first entity..." It is unclear what is

meant by the term "having". For purposes of examination, Examiner interprets this

limitation as "A first entity schedules a given appearance date for a given event".

Clarification is required.

Claim **13** further recites the limitation "...with a given time period". It is unclear if

there is a specific acknowledgement with a given time period, or if this is in regards to

responding within a given time period. For the purposes of examination, Examiner

interprets this limitation as "within a given time period". Clarification is required.

Claims **2-12** and **14-1**8 are further rejected as being dependent off of 1 and 13

respectively.

Claim **17** further recites the limitation" having the individual's supervisor..." It is

unclear what is meant by the term "having". For purposes of examination, Examiner

interprets this limitation to mean " The supervisor issues a given response to the second

notification". Clarification is required.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims **1-10** and **19-23** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zhang et al. (U.S. Patent 6,016,478, hereinafter Zhang) in view of

Capek et al. (U.S. Patent Pub. 2003/0204474, hereinafter Capek).

8.   In respect to claim **1**, Zhang discloses:

having the first entity schedule a given appearance date for a given event

(e.g. *First, the user enters an event type ... Next, in FIG. 5D, the user invokes the*

"Date and Time" page. Here, the user reviews the subject presently entered, at

521, and then enters a date and time for the event, at 522. The user can select

the date by typing or by using the arrows (column 11, lines 37-38, 44-47, FIG

5C)).

identifying a list of one or more individuals of the second entity that are

expected to be associated with the given event on the given appearance

date;

(e.g. *The next pane is a "Participants" page, illustrated in FIG. 5E, which*

allows the user to select participants. At 531, the user chooses an Address

Book or a mailing list; clicking "More" opens a different Address book. Now,

the user clicks the folder next to each name, and clicks the notification method

(i.e., e-mail, fax, or the like) for that participant. The user adds desired

selections to the Participants list 533 or CC list 534, using selection

buttons (column 11, lines 54-61; column 10, lines 61-62))

Zhang further discloses wherein one or more of the steps are performed by one or more electronic processing devices (e.g. *The invention may be embodied on a computer system such as the system , which comprises a central processor, a main memory, an input/output controller, a keyboard 104, a pointing device (e.g., mouse, track ball, pen device, or the like), a display or screen device, and a mass storage (e.g., hard or fixed disk, removable floppy disk, optical disk, magneto-optical disk, or flash memory)* (column 5, lines 1-9; FIG 1A).

Zhang discloses for a given individual on the list, issuing a notification to the given individual identifying the given event and the given appearance date, (e.g. *When the user receives an invitation to an event... By clicking on a Detail item 627, the user can display further information in Details and Information pane 629* (column 12, line 52 and column 13, lines 11-13; FIG 6A) FIG 6A discloses event identification and date of event);

including an acknowledgement (e.g. *To reply to an event invitation, the user reviews the event specifics in the Details and Information panes. Then, the user clicks a choice to reply from the buttons at the bottom of the window (e.g., "Accept," "Decline," "Reschedule," or the like)* (column 13, lines 14-18)).

Zhang discloses choosing an event type (column 11, lines 37-38), and determining if the event requires a response to the invitation or if the invitation is only an announcement (column 12, lines 17-26).

Zhang does not explicitly disclose the notification including a given request type.

Capek discloses the notification including a given request type (e.g. *For each attendee, the interface allows specification as to whether the attendance of that person is mandatory, desirable, or optional* (¶0017)).

It would have been obvious to one of ordinary skill in the art to combine the inclusion of a request type of Capek with the notification of Zhang. It would have been a predictable result of this combination to efficiently enable the scheduler of the meeting to guarantee that people who have to be present at the meeting can attend (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007)).

9.   In respect to claims **2** and **3**, Zhang discloses:

scheduling system that allows a user to do group scheduling for an event (see at least column 2, lines 16 – 44).

Zhang does not explicitly disclose wherein the first entity is a court and the second entity is a law enforcement agency, nor wherein the event is a court appearance and the given individuals are police officers.

Examiner takes Official Notice that it is old and well known that courts and law enforcement offices and police officers have need for scheduling appearances in court.

Further, since the identity of the user and the recipient do not functionally

affect the steps of scheduling, and that the type of event also does not affect the

functionality of the scheduling method, it would have therefore been a predictable

result of the invention to have any entities, including the court and law

enforcement agency, schedule any event, such as a court appearance. It would

be further a predictable result to send notices to any recipient, including police

officers (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d

1385 (2007)).

10.   In respect to claim **4**, Zhang discloses:

wherein the notification is an electronic communication (e.g. *"E-mail" itself*

is a messaging-based approach which is employed by the present invention for

communicating with all users (column 6, lines 16-18)).

11.   In respect to claim **5**, Zhang discloses:

wherein the electronic communication is an email and the

acknowledgement is a hypertext link within the email.(e.g. *"E-mail" itself is a*

messaging-based approach which is employed by the present invention for

communicating with all users (column 6, lines 16-18);)   ... *As described in*

further detail below, the present invention may exploit this by using rich text

messages, such as e-mail including one or more HTML (Hyper Text Markup

Language) forms or "Web pages." (column 7, lines 33-43), *The embedded HTML*

form (i.e., Web page) can easily be viewed by the Web browser as an input form

having input fields corresponding to the information requested for scheduling the

event. For instance, the form may include text or input fields for subject, time,

event, and the like. Additionally, the form can include screen buttons for allowing

the recipient user to "accept" or "decline" the invitation (column 8, lines 46-52)).

12.   In respect to claim **6**, Zhang discloses:

choosing an event type (column 11, lines 37-38), and determining if the

event requires a response to the invitation or if the invitation is only an

announcement (column 12, lines 17-26).

Zhang does not explicitly disclose wherein the given request type is

selected from a set of request types that include appear, standby, disregard or

not set.

Capek discloses wherein the given request type is selected from a set of

request types that include appear, standby, disregard or not set (e.g. *for each*

attendee, the interface 200 allows specification as to whether the attendance of

that person is mandatory, desirable, or optional (¶0017)).

It would have been obvious to one of ordinary skill in the art to combine

the including of request type of Capek with the notification of Zhang. It would

have been a predictable result of this combination to efficiently enable the

scheduler of the meeting to guarantee that people who have to be present at the

meeting can attend, and to have further options to choose from regarding the

other participant's preferred attendance status (*KSR International Co. v. Teleflex*

Inc. (KSR), 550 U.S. ___ , 82 USPQ2d 1385 (2007)).

13.   In respect to **7**, Zhang discloses:

issuing a notification to all of the given individuals on the list concurrently

(e.g. The next pane is a "Participants" page, illustrated in FIG. 5E, which allows

the user to select participants. At 531, the user chooses an Address Book or a

mailing list; clicking "More" opens a different Address book. Now, the user clicks

the folder next to each name, and clicks the notification method (i.e., e-mail, fax,

or the like) for that participant. The user adds desired selections to the

Participants list 533 or CC list 534, using selection buttons (column 11, lines 54-

61; column 10, lines 61-62), Upon selecting Next button 563, the user instructs

the system to proceed to the "Schedule the Event" page, illustrated in FIG. 5I.

Here, the user can review the selections, at 571, and go back to any previous

page, if needed. Once satisfied with the selections, the user selects "Finish"

button 572 to schedule the event (column 12, lines 33-38)). Examiner notes that

scheduling the event sends out invitations to all participants on the list

concurrently.

14.   In respect to **8**, Zhang discloses:

placing all the individuals on the list in a given status as a function of their

request status (column 14, lines 30-37; FIG 7A).

Zhang does not explicitly disclose wherein the notification places all of the

given individuals on the list in a given status as a function of the given request

type.

Capek discloses wherein the notification places all of the given individuals

on the list in a given status as a function of the given request type (e.g. *FIG. 2 ...*

For each attendee, the interface allows specification as to whether the

attendance of that person is mandatory, desirable, or optional (¶0017, FIG. 2)).

It would have been obvious to one of ordinary skill in the art to combine

the placing all of the given individuals on the list in a given status as a function of

the given request type of Capek with the status list of Zhang. It would have been

a predictable result of this modification to present more information to the user of

the invention of Zhang, the information including not only their reply status but

additionally their request status (*KSR International Co. v. Teleflex Inc.* (KSR),

550 U.S. ___, 82 USPQ2d 1385 (2007)).

15.   In respect to **9**, Zhang discloses:

adding an individual to the list of individuals (e.g. The next pane is a

"Participants" page, illustrated in FIG. 5E, which allows the user to select

participants. At 531, the user chooses an Address Book or a mailing list; clicking

"More" opens a different Address book. Now, the user clicks the folder next to each

name, and clicks the notification method (i.e., e-mail, fax, or the like) for that

participant. The user adds desired selections to the Participants list 533 or CC list

534, using selection buttons (column 11, lines 54-61; column 10, lines 61-62)).

16.   In respect to **10**, Zhang discloses:

    changing the given appearance date (e.g. *The originator user can*

reschedule an event which he or she originated by selecting the event and

clicking Reschedule button 711. This action displays a "Schedule an Event"

dialog box where the user enters the new date and time information, and any

other changes. The user is asked if he or she wants to notify all participant and

resource managers about the change. If the user selects "Yes," notification is

automatically sent. (column 14, lines 38-45)).

    for a given individual on the list, issuing a notification to the given

individual identifying the given event and the changed appearance date, the

notification including a given request type and including an acknowledgement

    (*When the user receives an invitation to an event… By clicking on a Detail item*

    627, the user can display further information in Details and Information pane 629

    (column 12, line 52 and column 13, lines 11-13; FIG 6A) FIG 6A discloses event

    identification and date of event);

    including an acknowledgement (e.g. *To reply to an event invitation, the*

    user reviews the event specifics in the Details and Information panes. Then, the

user clicks a choice to reply from the buttons at the bottom of the window (e.g.,

"Accept," "Decline," "Reschedule," or the like) (column 13, lines 14-18)).

Zhang discloses choosing an event type (column 11, lines 37-38), and

determining if the event notification requires a response or if the notification is

only an announcement (column 12, lines 17-26).

Zhang does not explicitly disclose the notification including a given request

type.

Capek discloses the notification including a given request type (e.g. *For*

each attendee, the interface allows specification as to whether the attendance of

that person is mandatory, desirable, or optional (¶0017)).

It would have been obvious to one of ordinary skill in the art to combine

the inclusion of a request type of Capek with the notification of Zhang. It would

have been a predictable result of this combination to efficiently enable the

scheduler of the meeting to guarantee that people who have to be present at the

meeting can attend (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___,

82 USPQ2d 1385 (2007)).

17.   In respect to **19**, Zhang discloses:

        scheduling each of set of given individuals to a given court appearance on

an appearance date (e.g. *The next pane is a "Participants" page, illustrated in*

FIG. 5E, which allows the user to select participants. At 531, the user chooses

an Address Book or a mailing list; clicking "More" opens a different Address book

... the user clicks the folder next to each name, and clicks the notification method

(i.e., e-mail, fax, or the like) for that participant. The user adds desired selections

to the Participants list 533 or CC list 534, using selection buttons (column 11,

lines 54-61; column 10, lines 61-62)) *First, the user enters an event type ... Next,*

in FIG. 5D, the user invokes the "Date and Time" page. Here, the user reviews

the subject presently entered, at 521, and then enters a date and time for the

event, at 522. The user can select the date by typing or by using the arrows

(column 11, lines 37-38, 44-47, FIG 5C));

determining whether the given appearance date has been changed (e.g.

The originator user can reschedule an event which he or she originated by

selecting the event and clicking Reschedule button 711. This action displays a

"Schedule an Event" dialog box where the user enters the new date and time

information, and any other changes. The user is asked if he or she wants to

notify all participant and resource managers about the change. If the user

selects "Yes," notification is automatically sent. (column 14, lines 38-45)).

Zhang further discloses wherein one or more of the steps are performed

by one or more electronic processing devices (e.g. *The invention may be*

embodied on a computer system such as the system , which comprises a

central processor, a main memory, an input/output controller, a keyboard 104, a

pointing device (e.g., mouse, track ball, pen device, or the like), a display or

screen device, and a mass storage (e.g., hard or fixed disk, removable floppy

disk, optical disk, magneto-optical disk, or flash memory) (column 5, lines 1-9;

FIG 1A).

Zhang discloses if the given appearance date has been changed,

determining an alternative appearance date that does not conflict with the

schedules of the given individuals (*If the recipient attaches a Free Time report his*

or her Free Time report appears with the reply message, as indicated by Free

Time button 721 in FIG. 7B. The Free Time report shows when the recipient has

events booked and what times are free, during the next 30 days, as described

above. It can be viewed by clicking on the Free Time button, whereupon the

system displays Free Time report 723, for the reply. The report is useful in

determining an alternate meeting time, especially when scheduling several

people (column 15, lines 1-10; FIG 7B));

and automatically providing each of the given individuals with a given

notification, (e.g. *The originator user can reschedule an event which he or she*

originated by selecting the event and clicking Reschedule button 711. This

action displays a "Schedule an Event" dialog box where the user enters the new

date and time information, and any other changes. The user is asked if he or

she wants to notify all participant and resource managers about the change. If

the user selects "Yes," notification is automatically sent. (column 14, lines 38-

45));

the notification including a given request type and including an

acknowledgement (e.g. To reply to an event invitation, the user reviews the

event specifics in the Details and Information panes. Then, the user clicks a

choice to reply from the buttons at the bottom of the window (e.g., "Accept,"

"Decline," "Reschedule," or the like) (column 13, lines 14-18)).

Zhang discloses choosing an event type (column 11, lines 37-38), and

determining if the event requires a response to the invitation or if the invitation is

only an announcement (column 12, lines 17-26).

Zhang does not explicitly disclose the notification including a given request

type.

Capek discloses the notification including a given request type (e.g. *For

each attendee, the interface allows specification as to whether the attendance of

that person is mandatory, desirable, or optional* (¶0017)).

It would have been obvious to one of ordinary skill in the art to combine

the inclusion of a request type of Capek with the notification of Zhang. It would

have been a predictable result of this combination to efficiently enable the

scheduler of the meeting to guarantee that people who have to be present at the

meeting can attend (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___,

82 USPQ2d 1385 (2007)).

Zhang does not explicitly disclose wherein each given individual also has

an associated appear or standby status.

Capek discloses wherein each given individual also has an associated

appear or standby status (e.g. *For each attendee, the interface allows*

specification as to whether the attendance of that person is mandatory, desirable, or optional (¶0017)).

It would have been obvious to one of ordinary skill in the art to combine the inclusion of request type of Capek with the notification of Zhang. It would have been a predictable result of this combination to efficiently enable the scheduler of the meeting to guarantee that people who have to be present at the meeting can attend (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007)).

Additionally in regards to claim 19, the Examiner further notes that the recited "if" does not move to distinguish the claimed invention from the cited art. These phrases are conditional limitations with the noted "if" step not necessarily performed. Accordingly, once the positively recited steps are satisfied, the method as a whole is satisfied -- regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios. [See: In re Johnston, 77 USPQ2d 1788 (CA FC 2006); Intel Corp. v. Int'l Trade Comm'n, 20 USPQ2d 1161 (Fed. Cir. 1991); MPEP §2106 II C].).

18.   In respect to claim **20**, Zhang discloses:

wherein the given notification is an email indicating that the given court appearance on the given appearance date should be disregarded (e.g. *In a similar manner, the user can cancel an event he or she originated by selecting the event and clicking Cancel Event button. The user will be asked to confirm*

that he or she wants to cancel the event and notify all participants; selecting

"Yes" cancels the event. (column 14, lines 46-50)).

Further regarding the limitation of indicating that the court appearance on

the given appearance date should be disregarded, this is directed to non-

functional descriptive material (i.e. information in the email) and it is has been

held that where the printed matter is not functionally related to the substrate, the

printed matter will not distinguish the invention from the prior art in terms of

patentability (*In re Gulack*, 217 USPQ 401 (Fed. Cir. 1983), *In re Ngai*, 70

USPQ2d (Fed. Cir. 2004), *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP

2106.01 II)

19.   In respect to claim **21**, Zhang discloses:

placing all the individuals on the list in a given status as a function of their

request status (column 14, lines 30-37; FIG 7A).

Zhang does not explicitly disclose including the step of changing the

appear or standby status to a not notified status

Capek discloses further including the step of changing the appear or

standby status to a not notified status (*For each attendee, the interface 200*

allows specification as to whether the attendance of that person is mandatory,

desirable, or optional (¶0017)).

It would have been obvious to one of ordinary skill in the art to combine

the changing the status of Capek with the invitee status of Zhang. It would have

been a predictable result of this combination to allow the scheduler of the

meeting to keep track of any current status of the individual and to change that

status as needed (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82

USPQ2d 1385 (2007)).

20.   In regards to claims **22** and **23**, Zhang discloses:

        determining the alternative appearance date (e.g. (e.g. *The originator user*

can reschedule an event which he or she originated by selecting the event and

clicking Reschedule button 711. This action displays a "Schedule an Event"

dialog box where the user enters the new date and time information, and any

other changes. The user is asked if he or she wants to notify all participant and

resource managers about the change. If the user selects "Yes," notification is

automatically sent. (column 14, lines 38-45)).

        Zhang does not explicitly disclose wherein the alternative appearance

date is determined programmatically.

        However, it has been held that it is not 'invention' to broadly provide a

mechanical or automatic means to replace manual activity which has

accomplished the same result (*In re Venner,* 120 USPQ 192 (CCPA 1958); *In re*

Rundell, 9 USPQ 220 (CCPA 1931)).

21.   Claims **11,12** and **13-18** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zhang in view of Capek in further view of Jaggi (U.S. Patent

7,076,439).

22.   In respect to **11**, Zhang discloses:

sending a reminder to all event participants in advance of a meeting

(column 14, lines 63-68).

Neither Zhang nor Capek explicitly disclose issuing an escalation notice if

the given individual not respond to the acknowledgement within a given time

period.

Jaggi discloses sending a reminder (i.e. escalation notice) to the given

individual before the due date if an action is outstanding (i.e. acknowledgment

not given) (e.g. *... calculating a first reminder date for said first reminder event ...*

storing in said calendar database said first reminder date ... sending

automatically on said first reminder date to said outside council a first reminder

email to complete said first task if said first conditional response is set (Claim 1);

Another type of responsive action might be to "queue memo." A "queue memo"

type responsive action initiates a communication of some sort (column 11, lines

38-40) Queue memo to send to outside patent attorney, 60 days before due date

for response to office action without an extension, an e-mail reminder that a

response is outstanding (column 12, lines 33-36)).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine the reminder notice of Jaggi with the combined

invention of Zhang and Capek. It would have been a predictable result of the

combined invention of Zhang, Capek and Jaggi to enable the scheduler the

capability to not only remind participants of the meeting itself, but to make sure

that there has been a reply to the invitation so that the scheduler knows which

participants accepted or declined an invitation to an event, thus better enabling

the scheduler to keep better track of meeting attendance (*KSR International Co.

v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007)).

Additionally in regards to claim 11, the Examiner further notes that the

recited "if" does not move to distinguish the claimed invention from the cited art.

These phrases are conditional limitations with the noted "if" step not necessarily

performed. Accordingly, once the positively recited steps are satisfied, the

method as a whole is satisfied -- regardless of whether or not other steps are

conditionally invocable under certain other hypothetical scenarios. [See: In re

Johnston, 77 USPQ2d 1788 (CA FC 2006); Intel Corp. v. Int'l Trade Comm'n, 20

USPQ2d 1161 (Fed. Cir. 1991); MPEP §2106 II C].

23.   In respect to **12**, neither Zhang nor Capek disclose:

wherein the escalation notice is issued to the given individual and to the

given individual's supervisor.

Jaggi discloses wherein the escalation notice is issued to the given

individual and to the given individual's supervisor (e.g. *calculating a second*

reminder date for said second reminder event; and sending automatically on

said second reminder date to both (i) said outside council and (ii) said supervisor,

a second reminder email to complete said first task if said second conditional

response is set (Claim 1)).

It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine the reminder notice of Jaggi with the combined

invention of Zhang and Capek. It would have been a predictable result of the

combined invention of Zhang, Capek and Jaggi to enable the scheduler the

capability to not only remind participants of the meeting itself, but to make sure

that there has been a reply to the invitation so that the scheduler knows which

participants accepted or declined an invitation to an event, thus better enabling

the scheduler to keep better track of meeting attendance, and to further give

supervisors the information that an individual has not replied to help assure a

reply. (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d

1385 (2007)).

24.   In respect to **13**, Zhang discloses:

scheduling a given appearance date for a given event (e.g. *First, the user*

enters an event type … Next, in FIG. 5D, the user invokes the "Date and Time"

page. Here, the user reviews the subject presently entered, at 521, and then

enters a date and time for the event, at 522. The user can select the date by

typing or by using the arrows (column 11, lines 37-38, 44-47, FIG 5C));

identifying a list of one or more individuals that are expected to be

associated with the given event on the given appearance date (e.g. *The next*

pane is a "Participants" page, illustrated in FIG. 5E, which allows the user to

select participants. At 531, the user chooses an Address Book or a mailing list;

clicking "More" opens a different Address book. Now, the user clicks the folder

next to each name, and clicks the notification method (i.e., e-mail, fax, or the like)

for that participant. The user adds desired selections to the Participants list 533

or CC list 534, using selection buttons (column 11, lines 54-61; column 10, lines

61-62)).

Zhang does not explicitly disclose having the court schedule, nor does

Zhang explicitly disclose that the individuals are of the law enforcement agency.

Examiner takes Official Notice that it is old and well known that courts and

law enforcement offices and police officers have need for scheduling

appearances in court.

Further, since the identity of the user and the recipient do not functionally

affect the steps of scheduling, and that the type of event also does not affect the

functionality of the scheduling method, it would have therefore been a predictable

result of the invention to have any entities, including the court and law

enforcement agency, schedule any event, such as a court appearance. It would

be further a predictable result to send notices to any recipient, including police

officers (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d

1385 (2007)).

Zhang further discloses determining whether the given individual has

issued a given response to the acknowledgement within a given time period (e.g.

The originator's client automatically collects reply messages from people which

were invited to an event and displays the replies in the Activities view. As replies

arrive, the user is notified by an icon in the News column ... The user can click

the participants' names in the Activities view, and read their reply status, as well

as any reply message they may have sent, in the Details and Information dialog,

(Column 14, lines 25-37; FIG 6A and FIG. 7A)). Examiner notes that the

originator can see the responses at any time, therefore the response is within a

given time period.

Zhang further discloses wherein one or more of the steps are performed by

one or more electronic processing devices (e.g. *The invention may be embodied*

on a computer system such as the system , which comprises a central

processor, a main memory, an input/output controller, a keyboard 104, a pointing

device (e.g., mouse, track ball, pen device, or the like), a display or screen

device, and a mass storage (e.g., hard or fixed disk, removable floppy disk,

optical disk, magneto-optical disk, or flash memory) (column 5, lines 1-9; FIG

1A).

Zhang discloses for a given individual on the list, issuing a notification to

the given individual identifying the given event and the given appearance date,

(e.g. *When the user receives an invitation to an event... By clicking on a Detail item 627, the user can display further information in Details and Information pane 629* (column 12, line 52 and column 13, lines 11-13; FIG 6A) FIG 6A discloses event identification and date of event); including an acknowledgement (e.g. *To reply to an event invitation, the user reviews the event specifics in the Details and Information panes. Then, the user clicks a choice to reply from the buttons at the bottom of the window (e.g., "Accept," "Decline," "Reschedule," or the like)* (column 13, lines 14-18)).

Zhang discloses choosing an event type (column 11, lines 37-38), and determining if the event requires a response to the invitation or if the invitation is only an announcement (column 12, lines 17-26).

Zhang does not explicitly disclose the notification including a given request type.

Capek discloses the notification including a given request type (e.g. *For each attendee, the interface allows specification as to whether the attendance of that person is mandatory, desirable, or optional* (¶0017)).

It would have been obvious to one of ordinary skill in the art to combine the inclusion of a request type of Capek with the notification of Zhang. It would have been a predictable result of this combination to efficiently enable the scheduler of the meeting to guarantee that people who have to be present at the meeting can attend (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007)).

Zhang discloses a sending a reminder to all event participants in advance of a meeting (column 14, lines 63-68).

Zhang does not explicitly disclose if the given individual has not issued a given response to the acknowledgement with the given time period, issuing a second notification to the given individual and to the given individual's supervisor.

Jaggi discloses if the given individual has not issued a given response to the acknowledgement (e.g. *response is outstanding*) with the given time period, issuing a second notification to the given individual and to the given individual's supervisor (e.g. ... . *Queue memo to send to outside patent attorney, 60 days before due date for response to office action without an extension, an e-mail reminder that a response is outstanding ... Queue memo to send to outside patent attorney and in-house patent attorney, 30 days before due date for response to office action without an extension, an e-mail reminder that a response is outstanding* (column 12, lines 30-36); *calculating a first reminder date for said first reminder event ... storing in said calendar database said first reminder date ... sending automatically on said first reminder date to said outside council a first reminder email to complete said first task if said first conditional response is set... .calculating a second reminder date for said second reminder event; and sending automatically on said second reminder date to both (i) said outside council and (ii) said supervisor, a second reminder email to complete said first task if said second conditional response is set (Claim 1);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the reminder notice of Jaggi with the combined invention of Zhang and Capek. It would have been a predictable result of the combined invention of Zhang, Capek and Jaggi to enable the scheduler the capability to not only remind participants of the meeting itself, but to make sure that there has been a reply to the invitation so that the scheduler knows which participants accepted or declined an invitation to an event, thus better enabling the scheduler to keep better track of meeting attendance, and to further give supervisors the information that an individual has not replied to help assure a reply. (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007)).

Additionally in regards to claim 13, the Examiner further notes that the recited "if" does not move to distinguish the claimed invention from the cited art. These phrases are conditional limitations with the noted "if" step not necessarily performed. Accordingly, once the positively recited steps are satisfied, the method as a whole is satisfied -- regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios. [See: In re Johnston, 77 USPQ2d 1788 (CA FC 2006); Intel Corp. v. Int'l Trade Comm'n, 20 USPQ2d 1161 (Fed. Cir. 1991); MPEP §2106 II C].

25.   In respect to claim **14**, Zhang discloses:

wherein the electronic communication is an email and the

acknowledgement is a hypertext link within the email.(e.g. *"E-mail" itself is a*

messaging-based approach which is employed by the present invention for

communicating with all users (column 6, lines 16-18); *...As described in further*

detail below, the present invention may exploit this by using rich text messages,

such as e-mail including one or more HTML (Hyper Text Markup Language)

forms or "Web pages." (column 7, lines 33-43), *The embedded HTML form (i.e.,*

Web page) can easily be viewed by the Web browser as an input form having

input fields corresponding to the information requested for scheduling the event.

For instance, the form may include text or input fields for subject, time, event,

and the like. Additionally, the form can include screen buttons for allowing the

recipient user to "accept" or "decline" the invitation (column 8, lines 46-52)).

26.   In respect to claim**15**, Zhang does not explicitly disclose:

wherein the given request type is selected from a set of request types that

include appear, standby, disregard or not set.

Capek discloses wherein the given request type is selected from a set of

request types that include appear, standby, disregard or not set (e.g. *for each*

attendee, the interface 200 allows specification as to whether the attendance of

that person is mandatory, desirable, or optional (¶0017)).

It would have been obvious to one of ordinary skill in the art to combine

the including of request type of Capek with the notification of Zhang. It would

have been a predictable result of this combination to efficiently enable the

scheduler of the meeting to guarantee that people who have to be present at the

meeting can attend, and to have further options to choose from regarding the

other participant's preferred attendance status(*KSR International Co. v. Teleflex*

Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007)).

27.   In respect to **16**, Zhang discloses:

         placing all the individuals on the list in a given status as a function of their

request status (column 14, lines 30-37; FIG 7A).

         Zhang does not explicitly disclose maintaining a notification history for

each given individual on the list.

         Capek discloses maintaining a notification history for each given individual

on the list (e.g. *FIG. 2 ... For each attendee, the interface allows specification as*

to whether the attendance of that person is mandatory, desirable, or optional

(¶0017, FIG 2.))

         It would have been obvious to one of ordinary skill in the art to combine

the maintaining of a notification history for each of the given individuals on the list

of Capek with the status list of Zhang. It would have been a predictable result of

this modification to present more information to the user of the invention of

Zhang, the information including not only their reply status but additionally their

request status (*KSR International Co. v. Teleflex Inc.* (KSR), 550 U.S. ___, 82

USPQ2d 1385 (2007)).

28.   In respect to **17**, neither Zhang, Capek nor Jaggi explicitly disclose:

having the individual's supervisor issue a given response to the second

notification wherein the given response to the second notification is provided by

the individual's supervisor on the given individual's behalf

However, Jaggi sends a reminder to both the first individual and the

supervisor, (see at least Jaggi, claim 1), and Zhang discloses any recipient of a

notification being able to respond to said notification (see at least Zhang, column

2, lines 27-34; column 13, lines 14-18)).

Therefore it would have been a predictable result of the combined

invention of Zhang, Capek and Jaggi to have any recipient of the second

notification (e.g. *second reminder*), including the supervisor, issue a given

response (e.g *respond to the invitation*). (*KSR International Co. v. Teleflex Inc.*

(KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007)).

In regards to wherein the given response to the second notification is

provided by the individual's supervisor on the given individual's behalf , it has

been held that a wherein clause that merely states the result of the limitations in

the claim adds nothing to the patentability or substance of the claim ((*Texas

Instruments Inc. v. International Trade Commission* 26, USPQ2d 1010 (Fed. Cir.

1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v.

Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (CAFC 2001)).

29.   In respect to claim **18**, Neither Zhang, Capek nor Jaggi explicitly disclose:

wherein the given response to the second notification is provided with an

associated exception.

However this is directed towards non-functional material, and it has been

held that where the printed matter is not functionally related to the substrate, the

printed matter will not distinguish the invention from the prior art in terms of

patentability (*In re Gulack*, 217 USPQ 401 (Fed. Cir. 1983), *In re Ngai*, 70

USPQ2d (Fed. Cir. 2004), *In re Lowry*, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP

2106.01 II).

Conclusion

30.   The prior art made of record and not relied upon considered pertinent to

Applicant's disclosure:

a.   Cree et al. (U.S. Patent 4,807,155) discloses an electronic calendaring

method.

b.   Vincent (U.S. Patent 5,050,077) discloses a meeting scheduler.

c.   Cahill, Jr. (U.S. Patent 5,438,784) discloses linking electronic mail and an

electronic calendar.

d.   Rasansky et al. (U.S. Patent 5,960,406) discloses scheduling system for

use between users on the web.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN MILLER whose telephone number is (571)270-5288. The examiner can normally be reached on Mon - Thur, 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BETH VAN DOREN can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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